Frequently Asked Questions
(and Answers from the SCAO/FOCB)

MCR 3.211 Amendments
UNIFORM SUPPORT ORDER & JUDGMENT INFORMATION FORM

FAQ 2005-02 December 22, 2005

This FAQ answers common questions related to the 2005-09 Administrative Memorandum concerning friend of the court guidelines for new amendments to MCR 3.211, which will require courts to enter child support and spousal support orders on the latest version of the State Court Administrative Office's Uniform Support Order form.

General Questions about Uniform Support Orders and Judgment Information Forms

1. **Now that there is a form order for child support, do I still need a lawyer?**
    Using a form order may seem like a simple way to avoid paying an attorney, but these forms are not intended to substitute for the careful thought and legal analysis an attorney can provide to parties involved in a court case. Rather, these standardized forms are designed for administrative convenience, to gather important information in one place and to ensure that an order contains all language that is required by federal and state laws.

    Unrepresented persons may wish to seek the advice of a lawyer before attempting to use these forms.

2. **Is everything I need in the Uniform Support Order (USO)?**
    No standard order will be appropriate in all cases. However, the USO will work in most cases without any changes. If the USO is not sufficient, an addendum can be attached to the order to cover special situations. Four USO versions are available. They are:
    > USO for child support only (FOC10).
    > USO for child support only but with no FOC services (FOC10a). [This version takes out those provisions that are FOC-specific.]
    > USO for spousal support only (FOC10b).
    > USO for spousal support only without FOC services (FOC10c).

3. **Why can't I just copy the USO language in the judgment?**
The court rule does not permit it. Subrule (D)(1) states that the USO must accompany any judgment or order affecting child support or spousal support. Also, incorporating the USO language into a longer judgment will defeat the goals of reducing paperwork, processing interstate cases more efficiently, speeding up FOC review and entry of orders, and advancing the technology for entering the orders into the Michigan Child Support Enforcement System (MiCSES).

4. **Where can I get a copy of the USO?**
The USO is available on the Supreme Court's website http://www.courts.mi.gov/scao/courtforms/domesticrelations/drindex.htm It can be filled in there and printed, or it can be scanned and used with a word processor. Practitioners may also duplicate the form using their own word processing equipment.

5. **Do I need to put support provisions in both the judgment and the USO?**
No. The judgment must refer to the USO (e.g., "Support provisions are contained in the Uniform Support Order that accompanies this judgment"). If you include support provisions in the judgment or order and also in the USO, any conflict will be resolved by reference to the USO. Therefore, there is no reason to duplicate the provisions.

6. **Where can I find the JIF?**
The JIF is available on the Supreme Court's website at http://www.courts.michigan.gov/scao/courtforms/domesticrelations/focgeneral/foc100.pdf. It can be filled in there and printed. Also the form can be scanned and used with a word processor. Practitioners may also duplicate the form using their own word processing equipment.

7. **Why should I have to fill out forms that duplicate information I have already provided?**
The JIF duplicates some information that is in the judgment, but filing the JIF will speed up entry of the information into MiCSES and gather all the necessary information in one place. If you have previously provided information to the FOC on a JIF or on a verified statement, you have the option to provide only the information that has changed since you filed the previous JIF or the verified statement. You do not need to copy support provisions into the JIF; the FOC will obtain that information from the USO.

8. **How do the USO and JIF get updated?**
The State Court Administrative Office's FOC Forms Committee meets in the spring and fall of each year to review requests for form changes. Anyone may request a change in the approved forms. The committee reviews each request to determine whether it would be consistent with applicable statutes or regulations, and whether it would improve practice in the courts and FOC offices. If the

committee approves a form change, SCAO modifies the form. With the USO, the court rule requires the Michigan Supreme Court to give final approval to changes before a revised form is published.

In addition, SCAO analysts regularly review changes in the law and propose modifications to the forms based on those changes. SCAO forms are also reviewed by the MiCSES forms subcommittees. If a statute or regulation changes before the SCAO Forms Committee meets, SCAO can make an emergency change (pending the full committee meeting) or consult with committee members through e-mail.

FAQs about the use of Uniform Support Orders and Judgment Information Forms

1.   **Where do I put the amount for the insurance premium?**
      First, you should add (or subtract) the payer's share of health care premiums from the actual base support amount. Next, enter the amount in the checkbox section in the grid in section 3 of the USO that reads: "Base support includes a net health care premium adjustment of $_____, that [] is [] is not subject to abatement."

      Note: If the payer maintains health care coverage and base support is reduced to account for the payee's share of the health care premiums, the amount would be entered as a *negative* amount on that line. Conversely, if the payee maintains health care coverage and base support is increased to account for the payer's share of the health care premiums, the amount would be entered as a *positive* amount on that line.

      The form is designed this way because MiCSES will not accept a negative number and has no separate account type under which the premium can be entered. This problem was solved by including the health insurance premium in the base support amount. However, this solution created a separate problem. Generally, health insurance is not abated during extended parenting time but the base support amount is abated. This second problem was solved by stating in the order the amount of the health care premium (which could be stored in the MiCSES notes) and allowing the user to check a box in the order that says the health care premium is *not* subject to abatement. This will allow the FOC to exclude health care premiums when it calculates parenting time abatements. In the event the health care premiums are subject to abatement, the user can check another box on the form that abates the health care premiums.

2.   **Is the health care premium entered as a constant amount, or is it divided among the children in the case?**
      The health care premium for all the children is the cost of insuring a family less the cost of the single parent's coverage. Normally this means that the cost for the children is the same no matter how many are covered, and the amount should be the same in each box on the grid. There are some cases in which the insurance

also covers a current spouse or children in a different case. In those cases, the amount may change with the number of children supported.

3. **How does the USO become a Qualified Medical Child Support Order (QMCSO)?**
   When a parent fails to obtain or maintain health insurance under an order, a Qualified Medical Child Support Order (QMCSO) can be sent to the parent's employer, directing the employer to enroll the children in the employer's group health plan. The QMCSO must contain specific information, such as the recipient's name and address, a description of coverage to be provided, and the time period to which the order applies. Federal law defines a QMCSO as either an order **or a properly completed notice**. Federal regulations require the National Medical Support Notice (NMSN) to be used as a QMCSO.

   Paragraph 4 of the USO states which parent is responsible for maintaining health insurance for the child(ren). The FOC qualifies the order by issuing a NMSN to the parent's employer. The NMSN directs the employer to enroll the child in the employer's group health plan.

   MCL 552.626b(1) states that the order or notice shall comply with the NMSN, but does not require that the notice language appear in the order. While the language required for a QMCSO may be put in the judgment or order, it can be implemented only by a NMSN. Therefore the language is redundant when included in the order. Moreover, putting the language in the judgment or order makes personal information concerning the parties and their children available as a public record.

   For non-FOC cases, additional language may need to be included in the order or additional steps may be necessary to implement the insurance provisions.

4. **Why does the source of income information appear in the USO in addition to the non-public JIF?**
   MCL 552.603(7)(C) requires that the order identify the source of income.

5. **If there is a deviation from the standard language in the USO, where do I enter the non-standard information?**
   You should enter any language that is different from the USO's preprinted language in the last paragraph, labeled "other." SCAO recommends that the language be attached as the number corresponding to "other" in the uniform support order and that each change be made a separate lettered paragraph under that number. For example, if "other" is designated as paragraph 13 in the USO, the attachment might read as follows: "13. The following changes are in addition to, or replace, the preprinted paragraphs of this order: a. Support shall terminate at age 18. b. Plaintiff shall be responsible for tuition at the child's private school. Etc."

6. **How will I know when the USO has changed?**
   The form will change on the Supreme Court's website and the change will be announced in a mailing to the courts.

7. **There are no parenting time or custody provisions on the USO–where do I enter that information?**
   Custody and parenting time orders should be in the main judgment or order that references the USO. This would usually be a divorce, paternity, custody, or family support judgment. Also, a summary of this information is required on the JIF.

8. **How do the "alternate payee" provisions of the Uniform Spousal Support Order work?**
   In the typical case, if you use form FOC 10b, all support is paid to the State Disbursement Unit (SDU), which then sends it to the payee. If the court requires support to be paid to an alternate payee (such as a mortgage company or insurance company), the payment cannot be made through the SDU; it must be paid directly to that alternate payee. If support is paid directly to the payee and not through the SDU, use FOC 10c.

9. **What information should be entered in the blanks in paragraph 3 of the Uniform Support Order relating to spousal support?**
   Spousal support may end for many reasons. If support is payable until a date certain you should check the first box and fill in the termination date. If support is payable as a fixed amount but payable in installments, you should check the second box and fill in the amount. If support will terminate on the death of the payee, you should check the third box. If there are any other events that would terminate support, such as death of the payer, remarriage of the payee, or the payee's cohabitation with another person, that event should be filled in on the space provided.

10. **What is the optional check box in paragraph 4 used for?**
    If support is to be deducted from the payer's income and included in the payee's income for income tax purposes, this box should be checked. The user should also be sure to include any other language that is necessary to comply with any other IRS requirements applicable to the case.

11. **What addresses do I put in the JIF and the USO?**
    A final judgment or order must state the parties' current addresses and require a party to notify the FOC if the party changes his or her address. MCR 3.203 requires the FOC to use the most recent addresses set forth in the pleadings or that the parties have provided to the FOC. Therefore, you should only include an address in the JIF that is the most recent address that satisfies MCR 3.203.

12.   **How often must I file a JIF?**
MCR 3.211(F)(2) provides that: (1) the party submitting the first temporary order awarding child custody, parenting time, or support, and (2) the party submitting any final proposed judgment awarding child custody, parenting time, or support, must file a JIF. After the final judgment has entered, the parties are required to update information with the FOC continuously, but need not file another JIF.